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File No. 9129-01**

Attorneys for Plaintiff CRAIG THORNER and VIRTUAL REALITY FEEDBACK CORPORATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CRAIG THORNER and VIRTUAL REALITY FEEDBACK CORPORATION,

Plaintiff(s),
v.

SONY COMPUTER ENTERTAINMENT
AMERICA, LLC; SONY COMPUTER
ENTERTAINMENT INC.; SONY
ELECTRONICS, INC.; GREGORY S. GEWIRTZ;
LERNER DAVID ITTENBERG KRUMHOLZ &
MENLIK, LLP; RILEY RUSSELL; LARRY C.
RUSS; MARC A. FENSTER and RUSS AUGUST
& KABAT.

Defendant(s),

GREGORY S. GEWIRTZ and LERNER DAVID
LITTBENBERG KRUMHOLZ & MENTLIK, LLP,

Defendant(s)/Third-Party Plaintiff(s),

v.

GLENN M. DIEHL, ESQ. and DIEHL SERVILLA, LLC,

Third-Party Defendants.

THIS MATTER having been opened to the Court by the Plaintiffs, Craig Thorner and Virtual Reality Feedback Corporation, hereinafter referred to as the "Plaintiffs", for the disbursement of certain monies to Plaintiffs pursuant to L.Civ.R. 67.1(b) that were deposited in

Civil Action No. 3:09-cv-01894-MLC-DEA

**ORDER AUTHORIZING
DISBURSEMENT OF MONIES
FROM THE COURT'S REGISTRY
FUND PURSUANT TO L.CIV.R.
67.1(b)**

RECEIVED

FEB 24 2015

AT 8:30 WILLIAM T. WALSH M
CLERK

the Court's Registry Fund and transferred into the Court Registry Investment System ("CRIS"); and,

IT APPEARING that on July 17, 2013, Budd Larner filed a Petition to enforce its attorney fee lien pursuant to N.J.S.A. 2A: 13-5 against its former clients, the Plaintiffs; and,

IT APPEARING that on August 6, 2013, a Stipulated Order of Dismissal was filed providing, among other things, that Sony Computer Entertainment, Inc., Sony Electronics Inc. and Riley Russell (collectively the "Sony Defendants") shall deposit \$62,287.26 into the Court's Registry Fund to be transferred into CRIS to be held in escrow pending resolution of the petition to enforce an attorney's fee lien filed by Budd Larner against Plaintiffs [Dkt. Entry 226]; and,

IT APPEARING that on or about August 7, 2013, \$62,287.26 was sent to the Court's Registry Fund by counsel for the Sony Defendants to be held in escrow [Dkt. Entries 227 & 228]; and,

IT APPEARING that on March 19, 2014, the Hon. Mary L. Cooper, U.S.D.J. filed a Memorandum Opinion and an Order to Show Cause in which the Court determined, among other things, that Budd Larner's attorney fee lien Petition was granted against the portion of the \$62,287.26 that is being held in escrow pursuant to the Court's August 6, 2013 [Dkt. Entries 237 & 238]; and,

IT APPEARING that on August 14, 2014, Judge Cooper entered a Memorandum Opinion and Order and Judgment relating to the Order to Show Cause filed by the Court on March 19 [Dkt. Entries 243 & 244]; and,

IT APPEARING that in the August 14, 2014 Order and Judgment, Judge Cooper adjudged, among other things, that the attorney fee lien of Budd Larner attaches to \$36,653; and,

IT APPEARING that in the Court's August 14, 2014 Memorandum Opinion and Order and Judgment the Plaintiffs are entitled to the remaining principal originally deposited with CRIS along with any and all remaining accumulated interest: and,

IT APPEARING that on September 19, 2014 the Court entered an Order [Dkt. Entry 248] authorizing disbursement of monies from CRIS to Budd Larner pursuant to the Court's August 14, 2014 Memorandum Opinion and Order;

IT APPEARING that proper notice has been provided to Budd Larner, *pro se*, and that this request for disbursement from the Court Registry has been submitted to the Clerk of the Court for approval pursuant L.Civ.R. 67.1; and,

IT APPEARING that good cause has been shown;

IT IS on this 18th day of February 2015:

ADJUDGED AS FOLLOWS:

(1) Pursuant to L.Civ.R. 67.1(b), the remaining principal originally deposited with CRIS along with any and all remaining accumulated interest in this matter shall be disbursed from the Court's Registry Fund and paid directly by the Court's Registry Fund to Craig Thorner and Virtual Reality Feedback Corporation, c/o Gertner, Mandel & Peslak, L.L.C. Attorney Trust Account, PO Box 499, Lakewood, NJ 08701, (Attention: Arthur M. Peslak, Esq.) within twenty (20) days from the date hereof; and

(3) Any fee to be deducted by the Custodian of the Court's Registry pursuant to L. Ci v. R. 67.

(b) (3) shall be deducted from the monies in escrow in the Court's Registry prior to disbursement.

Dated: Feb. 18, 2015

Mary L. Cooper
Hon. Mary L. Cooper, U.S.D.J.

L . Ci v . R . 6 7 . 1 (b) (4)

I recommend approval of the above order and declare that no lien or other claim against monies deposited in the Registry of the Court in the matter is on file in my office as of this date.

Dated: 2/4/2015

Denise L. Howard
Clerk/Deputy Clerk

CERTIFICATION OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing Plaintiffs' original and three (3) copies of a Proposed Order authorizing disbursement of monies from the Court's Registry Fund, a copy of the Court's August 14, 2014 Order authorizing disbursement and closing the matter, and an original completed IRS Form W-9, together with this certification of service have been have been forwarded for service via regular first class mail delivery to the following addresses:

Clarkson S. Fisher Federal Building & U.S. Courthouse
Finance Dept.
402 E. State Street, Room 2020
Trenton, NJ 08608
ATTN. Deborah Amato, Finance Supervisor

Budd Larner, Esq.
160 John F. Kennedy Parkway
Shorthills, NJ 07078-2703

on this 30th day of JANUARY 2015.

BY: 

Arthur M. Peslak, Esq.